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Filing date: **03/22/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91193680
Party	Plaintiff Sazerac Company, Inc.
Correspondence Address	Todd S. Bontemps Cooley Godward Kronish LLP 777 6th Street, NW, Suite 1100 Washington, DC 20001 UNITED STATES tbontemps@cooley.com, trademarks@cooley.com, bryan.boyle@cooley.com
Submission	Opposition/Response to Motion
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Signature	/TSB5/
Date	03/22/2010
Attachments	Opposition to KDA Motion.pdf (3 pages)(85864 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 77/649,426
For the Trademark KENTUCKY BOURBON TRAIL And Design
Published in the Official Gazette on January 19, 2010

SAZERAC COMPANY, INC.)	
)	
Opposer,)	
)	Opposition No. 91193680
v.)	
)	
KENTUCKY DISTILLERS' ASSOCIATION)	
)	
Applicant.)	
_____)	

OPPOSITION TO APPLICANT'S MOTION FOR EXTENSION OF TIME TO FILE

ANSWER TO OPPOSITION

Opposer Sazerac Company, Inc. ("Sazerac"), a Louisiana corporation having its principal place of business at 803 Jefferson Highway, New Orleans, Louisiana 70152, hereby opposes the motion for an extension of time to file an answer to Sazerac's Notice of Opposition ("Motion") that was filed with the United States Patent and Trademark Office ("USPTO") by Applicant Kentucky Distillers' Association ("Applicant") on March 17, 2010. Applicant has filed for the mark KENTUCKY BOURBON TRAIL And Barrel Design (Serial No. 77/649,426) ("Applicant's Mark").

As grounds for opposing Applicant's request, Sazerac alleges:

1. Sazerac is prejudiced by delaying Applicant's time to answer the Opposition. Sazerac's business and commercial relationships as well as consumer perception are directly affected by this proceeding.

2. Applicant has had ample time in which to consider Sazerac's factual and legal assertions subject to this proceeding, and ample time to answer Sazerac's Notice of Opposition. Sazerac initially communicated its factual and legal positions in a phone conversation to counsel for Applicant on December 2, 2009. On December 18, 2009, Sazerac reiterated these positions via a three page letter with fifteen pages of supporting documents to counsel for Applicant. Seven weeks later, on February 4, 2010, Sazerac filed the subject Opposition. Hence, for over fourteen weeks, Applicant has been on notice of the pertinent factual and legal issues related to this proceeding.

3. Applicant has given no meaningful reason for the delay other than requiring additional time due to "ongoing proceedings involving similar questions of law or fact"—questions of law or fact on which Applicant has been on notice since at least as early as December 2, 2009.

4. Applicant has neither contacted Sazerac regarding a consented extension of time to answer, nor indicated that scheduling issues or other timing hardships were creating difficulties for Applicant to formulate, draft, or submit its Answer.

5. Accordingly, Sazerac prays that Applicant's Motion be denied.

Dated: March 22, 2010

COOLEY GODWARD KRONISH LLP

By: _____

Todd S. Bontemps, Esq.

Bryan Boyle, Esq.

Attorneys for Opposer

777 6th Street, NW, Suite 1100

Washington, DC 20001 [ph. 650.843.5000]

CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2010, I mailed the foregoing OPPOSITION TO APPLICANT'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO OPPOSITION regarding Sazerac Company, Inc. v. Kentucky Distillers' Association to Applicant and Attorney of Record for Applicant, by depositing a true and correct copy of the same with the United States Postal Service, first class mail, postage prepaid, in an envelope addressed to:

Kentucky Distillers' Association

302 Shelby Street
Frankfort, KY 40601

and

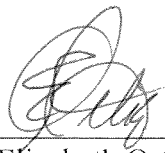
Robert E. Pitts, Esq.

Pitts & Brittian, P.C.

P.O. Box 51295

Knoxville, TN 37950-1295

Date: March 22, 2010



Elizabeth Ortiz